IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5043 of 2004

Between:

M/s. Brio Batteries Pvt. Ltd., No.6A/I.D.A. 1st Phase, Patian Cheruvu,
Medak District, Rep. by its Managing Director P. Samson, S/o. P. Raja Rathna
R/o. H.No.6-3-662/19, Jaffar Ali Bagh, Somojiguda, Hyderabad. A.P. 500 082.

..... PETITIONER

AND

1 The Union of India, rep. by its Secretary, Ministry of Law,
Justice and Company Affairs, New Delhi.
2 Sri P.K. Goswami, Chief Manager, R.M.D. and authorised Officer, Andhra Bank,
Zonal Office, Hyderabad, A.P.
3 The Branch Manager, Andhra Bank, Sanathnagar Branch, Hyderabad-18 A.P.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order Writ of Certiorari to call for the records of the Respondents 2 and 3 and declare the orders of notice issued by the Chief Manager R.M.D. and Authorised Officer, Andhra Bank, Zonal Office, Hyderabad in his notice No.NIL, dated 10-12-2003 served upon the petitioner on 24-12-2003 under section 13 (2) of Act 54 of 2002 is contrary to the sanction orders dated 13-08-2001 and section 13 of the Securitisation, Reconstruction of Financial Assets and Enforcement of Security Interest Act 54 of 2002 is Ultra vires, unconstitutional, unjust, against principles of natural justice offending article 14, 19(g) and 302 (A) of constitution of India and therefore liable to be quashed

Counsel for the Petitioner: MR.G.KRISHNAN

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for respondent Nos.2 and 3 : Mr Nuty Ram Mohan Rao

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

July 6, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 The Union of India, rep. by its Secretary, Ministry of Law,
Justice and Company Affairs, New Delhi.
2 Sri P.K. Goswami, Chief Manager, R.M.D. and authorised Officer, Andhra Bank,
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